

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHSHORE SHEET METAL,
INC.,

Plaintiff,

v.

SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION,
LOCAL 66,

Defendant.

Case No. 2:15-cv-01349 MJP

**DECLARATION OF
CHRISTOPHER L. HILGENFELD IN
SUPPORT OF PLAINTIFF'S OPPOSITION
TO MOTION TO STAY PROCEEDINGS
PENDING ARBITRATION**

Noted on Motion Calendar: March 18, 2016

I, CHRISTOPHER L. HILGENFELD, declare as follows:

1. I am over the age of eighteen (18) years and I am competent to testify if called upon to do so.

2. I am an attorney at Davis Grimm Payne & Marra, counsel of record for Plaintiff Northshore Sheet Metal, Inc. ("Northshore" or "Defendant"), admitted to practice in the U.S. District Court, Western District of Washington. I am the lead attorney

1 representing Northshore Sheet Metal, Inc. in the above-captioned matter, and I make this
2 declaration based upon my personal knowledge and review of the files and records herein.

3 3. Attached hereto as **Exhibit 1** is a true and correct copy of my letter to
4 Hutzenbiler and Carter, dated August 20, 2015, advising the Union's strike activity is a
5 breach of the Parties' contractual provisions, and requesting arbitration.

6 4. Attached hereto as **Exhibit 2** is a true and correct copy of my e-mail to Dan
7 Hutzenbiler, dated August 21, 2015, advising that Northshore would seek injunctive relief to
8 stop the Union strike activity.

9 5. Attached hereto as **Exhibit 3** is a true and correct copy of Dan Hutzenbiler's
10 letter to me, dated August 21, 2015, repudiating the contractual provision and advising the
11 Union intended to continue its strike activity.

12 6. Attached hereto as **Exhibit 4** is a true and correct copy of Dan Hutzenbiler's
13 e-mail, dated August 21, 2015, reiterating the Union's position that the contractual
14 obligations and arbitration provision were expired, and the dispute arose after the expiration
15 date.
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17 7. Attached hereto as **Exhibit 5** is a true and correct copy of an excerpt from the
18 Verbatim Report of Proceedings of the TRO Hearing on September 2, 2015.

19 8. Attached hereto as **Exhibit 6** is a true and correct copy of an undated letter
20 sent from Tim Carter, Local 66 Business Manager, to the Building Trades Crafts.

21 9. Attached hereto as **Exhibit 7** is a true and correct copy of a letter, dated
22 October 14, 2015, from the Tim Carter, Local 66 Business Manager, to individuals and/or
23 entities.
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1 10. Attached as **Exhibit 8** is a true and correct copy of my letter to Dan
2 Hutzenbiler, dated September 9, 2015, specifically requesting the detailed information from
3 the Union previously requested July 13, July 28, and August 24, regarding its grievance
4 claims and requesting to proceed to mediation. The Union did not respond to this request.

5 11. Attached as **Exhibit 9** is a true and correct copy of my letter to Dan
6 Hutzenbiler, dated November 13, 2015, again requesting the information requested in
7 previous correspondence from July 13 through September 9, and again requesting mediation
8 and a list of possible individuals to consider as a mediator. The Union did not respond to
9 this request.

10 12. Attached as **Exhibit 10** is a true and correct copy of my letter to Dan
11 Hutzenbiler, dated December 4, 2015, again requesting specific detailed information and
12 expressing Northshore's willingness to proceed to mediation. The Union responded on or
13 about December 15, 2015 by providing some information. The Union did not provide a list
14 of mediators. I attempted to contact the Trust individuals listed by the Union in that letter. I
15 left two voice messages, which were not returned.

16 13. Attached as **Exhibit 11** is a true and correct copy of my letter to Dan
17 Hutzenbiler, dated February 25, 2016, restating Northshore's request for specific
18 information to evaluate the Union's grievance claims and restating Northshore's willingness
19 to proceed to mediation, and requesting a list of three individuals to consider in the selection
20 of a mediator. The Union's response was received on March 12, 2016. The Union refused
21 to provide the complete information. The Union did list three mediators. The Employer is
22 reviewing the list to see if one is acceptable for this matter.
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1 14. Attached as **Exhibit 12** is a true and correct copy of my letter to Dan
2 Hutzenbiler on September 8, 2015, requesting, in part, for the Union to disclaim fringe
3 benefits related to the parties' settlement agreement as a basis of the strike. The Union
4 refused to issue a disclaimer for the strike.

5 I declare under penalty of perjury under the laws of the State of Washington and the
6 United States that the foregoing statements are true and accurate.

7 Dated at Seattle, Washington this 14 day of MARCH, 2016.

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10 Christopher E. Hilgenfeld